Mr Atul Lakhanpal, Advocate.
Mr IPS Sidhu, Sr DAG Punjab.
Mr Vikas Behl, Advocate for the complainant.

The petitioners seek pre-arrest bail in case FIR 54 dated 11.3.2007 registered at P.S. Phillaur for the offences under Sections 326, 323, 324, 148 and 149 IPC.

Notice of motion was issued in the case on 23.3.2007. Meanwhile, keeping in view the fact that the petitioners-2 and 8 namely Varinder Kumar @ Toni and Satwinder @ Satta respectively were to appear in the examination of Punjab School Education Board, it was directed that in the event of their arrest, they shall be admitted to bail subject to the conditions as mentioned in the said order.

The FIR in the case was recorded on the statement of Gurdev Singh. It is alleged that on 10.3.2007 at about 6 p.m., Debi son of Tarsem Singh Sarpanch informed him on telephone that his son Parminder Singh was being beaten up by Manjit Singh @ Gagga (petitioner-3), Tony (petitioner-2) and Satta (petitioner-8) in front of government dispensary. The complainant immediately reached there on a scooter. He saw a number of persons were present there and that his son Parminder Singh along with Mangal Singh who is also his brother were being beaten up by the above-referred three persons. He tried to save him and he also received injuries. Thereafter, Manjit Singh @ Gaga (petitioner-3), Tony (petitioner-2) and Satta (petitioner-8) dragged his son and Mangal Singh to the house of Devinder Singh Panch and in the verandah Tejinder Singh (petitioner-1) brother of Devinder Singh Panch, Dalbir Singh (petitioner-6) younger brother of Devinder Singh Panch and Gurdial Singh and Jeeta Gurdev

Singh and some other persons in a large number were present. They threw the son of the complainant on the floor. Tejinder Singh (petitioner-1) gave a Kirpan blow on the head of his son who warded off the blow by raising his right hand and the blow landed on his right hand fingers and a lot of blood oozed out. Had his son not stopped the blow, it would have struck him on his head. Devinder Singh Panch gave a Datar blow on the left arm of Mangal Singh. Gurdial Singh and Manjit Singh raised Lalkaras. Manjit Singh Gagga gave a blow with his 'Datar' on the right hand of the complainant. Gurdial Singh son of Bishan Singh gave a blow on the right hand and thigh of the complainant with a Base Ball bat that he had in his hand. The motive for the crime was that Manjit Singh @ Gagga had been convicted for causing injuries to the brother of the complainant and was released on bail recently. For that reason, they had caused injuries. The cross version has been recorded on the statement of Rajinder Singh @ Mand. According to him, the complainant side in the present case had attacked them.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated. It is submitted that the cross version recorded on the statement of Rajinder Singh would show that while he was returning from the Gurudwara in front of the house of Tarsem Singh Sarpanch, 30-35 persons had gathered there. Out of them, Sabi son of Tarsem Singh Sarpanch and Bawa son of Channa said that Mand had come and he be caught. On hearing this, he was frightened. He ran and entered the house of Devinder Singh Panch and behind him he was attacked by the persons who had gathered there. Sabi son of Tarsem Singh Sarpanch inflicted 3-4 blows on his back with a Base Ball bat which he was carrying in his hand. Bawa son of Channa gave a Kirpan blow which struck on the

left hand of Rajinder Singh which was badly injured. The Maruti car of Devinder Singh was standing in the verandah which Charanjit Singh son of Joga damaged with the iron rod due to which rear glass panes of the car broke. He became unconscious because of the injuries. After that he came to know that Devinder Singh had got the complainant and Toni admitted in the Civil Hospital, Phillaur. The reason for the crime was that it was a quarrel between the elder brother of Manjit Singh and the persons as mentioned in the report as they had not cast their votes as was desired by Tarsem Singh due to which they had been caused injuries.

Learned counsel for the State and the complainant have submitted that the petitioners do not deserve the concession of pre-arrest bail as they have not only caused injuries but have created disturbance in the village. Learned counsel for the complainant has further submitted that amongst the petitioners, Manjit Singh (petitioner-3) has been convicted by the learned Additional Sessions Judge, Jalandhar on 27.7.2006 in case FIR 226 dated 21.11.2002 registered at Police Station Phillaur for the offences under Sections 307, 326, 323/34 IPC. Besides, it is submitted that Manjit Singh @ Gaga and Tejinder Singh are also involved in case FIR 217 dated 3.12.2004 registered at Police Station Phillaur. Tejinder Singh and Manjit Singh are also involved in case FIR 20 dated 28.1.2004 registered at Police Station Phillaur and some other cases also.

I have given my thoughtful consideration to the matter.

It may be noticed that petitioners-2 and 8 – Ravinder Kumar @ Toni and Satwinder Singh @ Satta are stated to be of tender age being 17 to 18 years. They are students of 10+1 and in the event of their arrest, they were ordered to be released on bail vide this Court's order dated 23.3.2007. Besides, no specific role has been attributed to petitioners-4, 5 and 6. It is

yet to be ascertained as to which party is the aggressor. The cross version recorded on the statement of Rajinder Singh is on record. However, Tejinder Singh (petitioner-1) is attributed to have caused a Kirpan blow on the head of Parminder Singh - the son of the complainant which was warded of by Parminder Singh by raising his hand. His hand has been badly injured and there are 4 injuries on the fingers and hand of Parminder Singh. Therefore, Tejinder Singh is not entitled to the concession of bail. Manjit Singh (petitioner-3) along with Toni, dragged the son of the complainant and Mangal Singh to the house of Devinder Singh Panch. Manjit Singh has been convicted in an earlier case by the learned Additional Sessions Judge vide judgment and order dated 27.7.2007 in case FIR 226 dated 21.11.2007 relating to offences under Sections 307, 326, 323/34 IPC. Devinder Singh (petitioner-7) gave a Datar blow on the left arm of Mangal Singh.

In the circumstances, no ground for the grant of pre-arrest bail is made out to Tejinder Singh (petitioner-1), Manjit Singh (petitioner-3) and Devinder Singh (petitioner-7). However, petitioners-2, 4 to 6 and 8, in the even of their arrest, shall be admitted to bail on their furnishing personal bonds and surety each to the satisfaction of arresting/investigating officer. They shall join investigation as and when called. The pre-arrest bail shall be subject to the provisions of Section 438 CrPC.

3.5.2007. (S.S.SARON)
ASR Judge